

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at KNOXVILLE**

UNITED STATES OF AMERICA)
Plaintiff)
v.) No. 3:10-CR-73
DARREN WESLEY HUFF) VARLAN/GUYTON
Defendant)

UNITED STATES' MOTION TO STRIKE PRO SE FILING

COMES NOW the United States of America this 19th day of July 2011, by and through the undersigned Assistant United States Attorney for the Eastern District of Tennessee, and hereby submits its Motion to Strike *Pro Se* Filing of the Defendant's "Motion to Dismiss for Ineffective Assistance of Counsel" (Doc. 102, the "Motion to Dismiss") pursuant to the Local Rules of the United States District for the Eastern District of Tennessee. In support of this Motion, the government states as follows:

1. By Order of the Court dated May 3, 2010, the Federal Defender Services of Eastern Tennessee, Inc. (the FDS) was appointed as the attorney of record for the Defendant (Doc. 7, the "May 3 Order"); thereafter the Defendant has been represented by Paula R. Voss, Esq. and Jonathan A. Moffatt, Esq. who are experienced FDS attorneys. In addition, the Court granted an oral motion of the Defendant at a hearing before the Court on July 27, 2010, to appoint a third attorney, Anne Passino, as a CJA training panel attorney to also represent the Defendant. Doc. 25. Over the extended time period that the Defendant has been most ably represented by these attorneys, the

Defendant has filed through his attorneys a significant number of substantive motions, including motions to suppress evidence and dismiss the Superseding Indictment or one or more of the Counts contained therein. See Docs. 22, 23, 29-35.

2. Despite this May 3 Order appointing the Defendant with legal counsel, the Defendant has now filed a *pro se* motion in the form of a Motion to Dismiss (Doc. 102) the Superseding Indictment with this Honorable Court, both well past the pleading deadline established by this Court and within weeks of the schedule trial date, all the while still being ably represented by qualified legal counsel appointed by the Court. This *pro se* filing is in clear contravention of E.D.TN. LR 83.4(c) and therefore should not be accepted by the Court as a filing in this case and should be stricken from the record. The Court should neither allow nor countenance such an effort by the Defendant to arbitrarily file any *pro se* pleading while being represented by counsel.

WHEREFORE, for the reasons stated herein, the United States respectfully requests that this Honorable Court not accept the defendant Huff's *pro se* filed Motion to Dismiss (Doc. 102) and strike such filing from the record.

Respectfully submitted,

WILLIAM C. KILLIAN
United States Attorney

By: /s A. Wm. Mackie
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CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2011, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail or by hand delivery. Parties may access this filing through the Court's electronic filing system.

/s A. Wm. Mackie

A. Wm. Mackie
Assistant U.S. Attorney